

United States
Circuit Court of Appeals
For the Ninth Circuit.

CHUN SHEE,

Appellant,

vs.

JOHN D. NAGLE, Commissioner of Immigration
of the Port of San Francisco,

Appellee.

Transcript of Record.

Upon Appeal from the Southern Division of the
United States District Court for the
Northern District of California,
Second Division.

FILED

SEP 12 1925

F. D. MONCKTON,
CLERK

United States
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CHUN SHEE,

Appellant,

vs.

JOHN D. NAGLE, Commissioner of Immigration
of the Port of San Francisco,

Appellee.

Transcript of Record.

Upon Appeal from the Southern Division of the
United States District Court for the
Northern District of California,
Second Division.

NAMES AND ADDRESSES OF ATTORNEYS OF RECORD.

For Petitioner and Appellant:

J. H. SAPIRO, Esq., 220 Montgomery St.,
San Francisco, California.

For Respondent and Appellee:

UNITED STATES ATTORNEY, San Fran-
cisco, Cal.

In the Southern Division of the United States Dis-
trict Court for the Northern District of Cali-
fornia, Second Division.

No. 18,615.

In the Matter of CHUN SHEE, also Known as
CHAN AH HO, on Habeas Corpus.

PRAECIPE FOR TRANSCRIPT OF RECORD.

To the Clerk of the said Court:

Sir: Please make copies of the following papers
to be used in preparing transcript on appeal:

1. Amended petition for writ of habeas corpus.
2. Order to show cause in original petition.
3. Demurrer to amended petition.
4. Minute order regarding immigration record.
5. Judge's opinion in sustaining demurrer and
denying petition for writ.
6. Judgment and order sustaining demurrer to
amended petition and denying petition for writ.
7. Notice of appeal.

8. Petition for appeal.
9. Assignment of errors.
10. Order allowing appeal.
11. Stipulation and order regarding immigration record.
12. Clerk's certificate.
13. Citation on appeal.

J. H. SAPIRO,
Attorney for Petitioner and Appellant.

[Endorsed]: Filed Jun. 20, 1925. Walter B. Maling, Clerk. By C. M. Taylor, Deputy Clerk.
[1*]

In the Southern Division of the United States District Court for the Northern District of California, Second Division.

No. 18,615.

In the Matter of CHUN SHEE, also Known as
CHAN AH HO, on Habeas Corpus.

AMENDED PETITION FOR WRIT OF
HABEAS CORPUS.

To the Honorable, United States District Judge,
Now Presiding in the United States District
Court, in and for the Northern District of
California, Second Division.

Leave of Court having first been obtained, it is respectfully shown by the petition of Yee Ah Shung that Chung Shee, also known as Chan

*Page-number appearing at foot of page of original certified Transcript of Record.

Ah Ho, hereinafter in this petition referred to as the "detained," is unlawfully imprisoned, detained, confined, and restrained of her liberty by John D. Nagle, Commissioner of Immigration for the Port of San Francisco, at the Immigration Station at Angel Island, County of Marin, State and Northern District of California, Southern Division thereof; that said imprisonment, detention, confinement and restraint is illegal, and that the illegality thereof consists in this, to wit:

That the said detained arrived in the United States on or about October 18, 1921, at the Port of San Francisco, and was lawfully admitted as the wife of a native, your petitioner, Yee Ah Shung, and ever since said last mentioned date was, and now is, the lawfully wedded wife of your petitioner, and ever since said last mentioned date has been, and now is, living with your petitioner as husband and wife. [2]

That on or about the 3d day of September, 1921, the Secretary of Labor of the United States, acting under and pursuant to Section 19 of the Act of February 5, 1917, did issue his departmental warrant of arrest, charging that said detained has been found practicing prostitution after her entry, and the said detained was thereafter arrested thereunder; and the Secretary of Labor did thereafter make his order of deportation, deporting the said detained from the United States; and that he, the said Commissioner, intends to deport the said detained away from and out of the United States to the Republic of China, unless this Court intervenes

to prevent said deportation, the said detained will be deprived of her residence within the United States of America.

That said attempted action of the said Secretary of Labor is illegal and void for the following reasons, and in this behalf your petitioner alleges:

I.

That it is claimed by the said Commissioner that in all of the proceedings had herein, the said detained was accorded a full and fair hearing; that the action of the said Commissioner and the said Secretary of Labor were taken and made by them within the powers and jurisdiction conferred upon them by law and within the proper exercise of the discretion committed to them by the Statutes in such cases made and provided and in accordance with the regulations promulgated under the authority contained in said Statutes.

II.

But, on the contrary, your petitioner, on his information and belief, alleges that the hearing and proceedings had therein, and the action of the said Commissioner, and the action of the said Secretary in making said order of [3] deportation was and is in excess of the powers and jurisdiction conferred upon them, and is in excess of the authority committed to them by the said rules and regulations and by said statutes, and was and is an abuse of the authority committed to them by the said statutes in each of the following particulars therein-after set forth.

III.

Your petitioner alleges that the warrant issued by the Secretary of Labor was not issued in accordance with law, in that the application for warrant of arrest did not state facts showing *prima facie* that the alien comes *withone* one or more of the classes subject to deportation after entry and was not accompanied by some substantial supporting evidence as provided for in subdivision B of Rule 18, of the Immigration Rules of February 1, 1924, which reads as follows:

“The application must state facts showing *prima facie* that the alien comes within one or more of the classes subject to deportation after entry, and, except in cases in which the burden of proof is upon the alien (Chinese) involved, should be accompanied by some supporting evidence. If the facts stated are within the personal knowledge of the inspector reporting the case, or such knowledge is based upon admissions made by the alien, they need not be in affidavit form. But if based upon statements of persons not sworn officers of the Government (except in cases of public charges covered by subdivision C hereof), the application should be accompanied by the affidavit of the person giving the information or by a transcript of a sworn statement taken from that person by an inspector.”

but was issued upon a hearsay statement of one Donaldina Cameron, made on August 19, 1924 (the day this detained was arrested), in which she states

that she has known for a year [4] that 34 Beckett Alley was used as a Chinese house of prostitution, "and when we entered the premises this morning, we found Chew Ling (a woman) in bed with Chan Ah Ho (this detained), who is known to the Chinese girls in the Mission as a prostitute."

That said warrant of arrest so illegally issued is indefinite as to time, place and particulars, making it impossible for the detained to ascertain when or where it was claimed she was practicing prostitution or offer more than a general denial of the charge.

IV.

Your petitioner alleges upon his information and belief that the evidence presented before the Immigration authorities upon the hearing granted under the warrant of arrest hereinabove referred to, which said evidence is now hereby referred to with the said force and effect as if set forth in full herein, and which is filed herein as Exhibit "A," was of such a conclusive kind and character establishing the fact that detained has never practiced prostitution in the United States after entry, and failed to substantiate the charge made in the warrant of arrest, and which evidence was of such legal weight and sufficiency that it was an abuse of discretion on the part of said Secretary to make said order of deportation and instead thereof to refuse to be guided by said evidence and the said adverse action of the said Secretary, was, your petitioner alleges, upon his information and belief, arrived at and was done in denying the said detained the fair hearing

and consideration of her case to which she was entitled. That said adverse action of said Commissioner and said Secretary was, your petitioner alleges, upon his information and belief, erroneous in that said Commissioner and said Secretary refused to subpoena certain witnesses on [5] behalf of said detained, although said Commissioner and said Secretary were advised by the attorney for said detained that said witnesses were material and necessary for detained, and would not appear unless commanded so to do, all in violation of Section 16, the Act of February, 1917, subdivision A of Rule 23, and subdivision B of Rule 23, Immigration Rules of February 1, 1924, which read as follows:

“Section 16. * * * any Commissioner of Immigration, or Inspectors in charge, shall also have power to require, by subpoena, the attendance and testimony of witnesses before said inspectors, and the production of books, papers and documents touching the right of an alien to enter, re-enter, reside in or pass through the United States, and to that end may invoke the aid of any court of the United States; any District Court within the jurisdiction of which investigations are being conducted by an Immigrant Inspector may, in the event of neglect or refusal to respond to a subpoena issued by any Commissioner of Immigration, or Inspector in charge * * * issue an order requiring such person to appear before said Immigrant Inspector * * *

and testify; and any failure to obey such order of Court may be punished by the Court as a contempt thereof.

Rule No. 23—A. * * * But when a witness has been examined by the investigating officer and counsel has not had an opportunity to cross-examine such witness and it is apparent or is shown that such witness will not appear for cross-examination unless commanded to do so, a subpoena shall issue.

Rule No. 24—B. Upon determining that a witness whose evidence is desired either by the Government or the [6] alien will not be likely to appear and testify, or produce written evidence unless commanded to do so, the Commissioner or inspector in charge shall issue a subpoena and have it served upon the witness by an immigration officer or employee, in conformity with this rule, due record of such service to be made. If the witness neglects or refuses to respond to the subpoena, the United States Attorney of the proper district shall be requested so to report to the appropriate district court, with a motion that an order be issued requiring the witness to appear or to produce written evidence, as contemplated by section 16 of said act or for action as herein specified in event of continued neglect or refusal.”

and that such witness, as the said detained demanded, been subpoenaed and commanded to appear before said Commissioner at said hearing, your

petitioner states upon information and belief that said witnesses would have testified substantially for and on behalf of said detained, and that the testimony in the record would have been such as to require a different order by the Secretary of Labor, and sufficient to prevent the issuing of the order of deportation.

That said Secretary disregarded all of the testimony which was favorable to the detained, and that such action by said officials rendered said hearing before the Department of Labor unfair and in violation of detained's rights to a full and impartial hearing upon charge contained in the warrant of arrest.

And your petitioner further states that the witnesses which were required to be subpoenaed by the detained were examined by the Inspectors of the Immigration Department, and that the petitioner did not have an opportunity to cross-examine such witnesses, and the said decision of said [7] Secretary was arrived at by taking into consideration matters extraneous to the record, and not appearing therein by evidence adduced in the presence of said detained.

V.

That said adverse action of said Commissioner and said Secretary was, your petitioner alleges, upon his information and belief, erroneous, in that in finding the charge in the warrant as sustained and in making the order deporting detained, and in threatening to deport her, are acting in excess of their jurisdiction and power, in that it is depriving

and denying a citizen of the United States the right to have his wife reside with him in the country of his nativity, as well as to enjoy the society and assistance of said wife, the detained. That said action was done in excess of the powers and jurisdiction conferred on said Secretary and said Commissioner and in excess of the discretion committed to said Secretary and said Commissioner of Immigration. And your petitioner further alleges upon his information and belief, that the said action of the said Secretary and of the said Commissioner was influenced against the said detained and against her witnesses solely because of their being of the Chinese race.

That the said detained is in detention as aforesaid and for said reason is unable to verify this said petition upon her own behalf and for said reason this petition is verified by Yee Ah Shung, your petitioner, but for and as the act of the said detained.

WHEREFORE, your petitioner prays that writ of habeas corpus issue herein as prayed for, directed to the said Commissioner, commanding and directing him to hold the body of the said detained within the jurisdiction of this Court, and to present the body of the said detained before this Court, at a time and place to be specified in said order, [8] together with the time and cause of her detention, so that the same may be inquired into the end that said detained may be restored to her liberty and go hence without day.

Dated: ———.

J. H. SAPIRO,
Attorney for Petitioner.

State of California,
City and County of San Francisco,—ss.

Yee Ah Shung, being duly sworn, deposes and says:

That he is the petitioner named in the foregoing petitioner; that the said has been read and explained to him and he knows the contents thereof; that the same is true of his own knowledge, except as to the matters which are therein stated on his information and belief and as to those matters he believes it to be true.

YEE AH SHUNG.

Subscribed and sworn to before me this 23 day of May, 1925.

[Seal] JOSEPH PENSA,
Notary Public, in and for the City and County of
San Francisco, State of California.

[Endorsed]: Filed Jun. 13, 1925. Walter B. Maling, Clerk. By C. M. Taylor, Deputy Clerk.
[9]

In the Southern Division of the United States
District Court for the Northern District of California,
Second Division.

No. 18,615.

In the Matter of CHUN SHEE, also Known as
CHAN AH HO, on Habeas Corpus.

ORDER TO SHOW CAUSE.

Upon reading and filing the verified petition of Yee Ah Shung praying for the issuance of a writ of habeas corpus, it is hereby ordered that John D. Nagle, Commissioner of Immigration for the Port of San Francisco, appear before this Court on the 18th day of April, 1925, at the hour of 10 o'clock A. M. of said day, to show cause, if any he has, why a writ of habeas corpus should not issue in this matter as herein prayed.

IT IS FURTHER ORDERED that the said John D. Nagle, Commissioner of Immigration, as aforesaid, or whoever acting under the orders of the said Commissioner, or the Secretary of Labor, shall have the custody of the said Chun Shee, also known as Chan Ah Ho, within the custody of the said Commissioner of Immigration and within the jurisdiction of this Court until it is further ordered herein.

IT IS FURTHER ORDERED that a copy of this order be served upon said John D. Nagle, or such other person having the said Chun Shee, also known as Chan Ah Ho, in custody as an officer agent of the said John D. Nagle.

IT IS FURTHER ORDERED that during the pendency of these proceedings and the order to show cause that the said detained may be released from custody upon her furnishing a good and sufficient bond with surety or sureties to be [10] approved in accordance with the statutes in said cases

made and provided and the rules of this court, in the sum of Three thousand (\$3,000.00) Dollars.

Dated San Francisco, California, this 30th day of March, 1925.

FRANK H. KERRIGAN,
United States District Judge.

[Endorsed]: Filed Mar. 30, 1925. Walter B. Maling, Clerk. By C. W. Calbreath, Deputy Clerk.
[11]

In the Southern Division of the United States District Court for the Northern District of California, Second Division.

No. 18,615.

In the Matter of CHUN SHEE, on Habeas Corpus.

DEMURRER TO AMENDED PETITION FOR
WRIT OF HABEAS CORPUS.

Comes now the respondent, John D. Nagle, Commissioner of Immigration, at the Port of San Francisco, in the Southern Division of the Northern District of California, and demurs to the amended petition for a writ of habeas corpus in the above-entitled cause and for grounds of demurrer alleges:

I.

That the said amended petition does not state facts sufficient to entitle petitioner to the issuance of a writ of habeas corpus, or for any relief thereon.

II.

That said amended petition is insufficient in that

the statements therein relative to the record of the testimony taken on the hearing of the said applicant are conclusions of law and not statements of the ultimate facts.

WHEREFORE, respondent prays that the writ of habeas corpus be denied.

STERLING CARR,
United States Attorney.
ROBERT M. FORD,

Assistant United States Attorney,
Attorneys for Respondent. [12]

[Endorsed]: Filed June 13, 1925. Walter B. Maling, Clerk. By J. A. Schaertzer, Deputy. [13]

At a stated term of the Southern Division of the United States District Court for the Northern District of California, held at the courtroom thereof, in the City and County of San Francisco, on Tuesday, the 16th day of June, in the year of our Lord one thousand nine hundred and twenty-five. Present: The Honorable FRANK H. KERRIGAN, Judge.

No. 18,615.

In the Matter of CHUN SHEE, etc., on Habeas Corpus.

MINUTES OF COURT—JUNE 16, 1925—ORDER SUSTAINING DEMURRER, Etc.

The demurrer to petition and the demurrer to the amended petition heretofore heard and submitted,

being now fully considered, it is ordered that said demurrers be and the same are hereby sustained, that the application for a writ of habeas corpus be, and the same is hereby, denied, and that the petition herein be and the same is hereby, dismissed.
[14]

In the Southern Division of the United States District Court for the Northern District of California, Second Division.

No. 18,615.

In the Matter of CHUN SHEE, also Known as CHAN AH HO, on Habeas Corpus.

NOTICE OF APPEAL.

To the Clerk of the Above-entitled Court and to the Hon. STERLING CARR, United States Attorney for the Northern District of California.

You and each of you will please take notice that Yee Ah Shung, your petitioner, and Chun Shee, the detained above named, do hereby appeal to the Circuit Court of Appeals of the United States for the Ninth Circuit thereof, from the order and judgment made and entered herein on the 16th day of June, 1925, sustaining the demurrer to and in denying the petition for a writ of habeas corpus filed herein.

Dated at San Francisco, California, June 18, 1925.

J. H. SAPIRO,
Attorney for Petitioner and Appellant Herein.
[15]

In the Southern Division of the United States District Court for the Northern District of California, Second Division.

No. 18,615.

In the Matter of CHUN SHEE, also Known as
CHAN AH HO, on Habeas Corpus.

PETITION FOR APPEAL.

Now comes Yee Ah Shung and Chun Shee, the petitioner and the detained, and the appellants herein, and say:

That on the said 16th day of June, 1925, the above-entitled court made and entered its order denying the petition for a writ of habeas corpus, as prayed for, on file herein, in which said order in the above-entitled cause certain errors were made to the prejudice of the appellants herein, all of which will more fully appear from the assignment of errors filed herewith.

WHEREFORE, those appellants pray that an appeal may be granted in their behalf to the Circuit Court of Appeals of the United States for the Ninth Circuit thereof, for the correction of the errors so complained of, and further, that a transcript of the record, proceedings and papers in the above-entitled cause, as shown by the praecipe, duly authenticated, may be sent and transmitted to the said United States Circuit Court of Appeals for the Ninth Circuit thereof.

Dated at San Francisco, California, June 18, 1925.

J. H. SAPIRO,
Attorney for Petitioner and Appellants Herein.
[16]

In the Southern Division of the United States
District Court for the Northern District of
California, Second Division.

No. 18,615.

In the Matter of CHUN SHEE, also Known as
CHAN AH HO, on Habeas Corpus.

ASSIGNMENT OF ERRORS.

Comes now Yee Ah Shung, the petitioner, and Chun Shee, the detained, by their attorney, J. H. Sapiro, Esq., in connection with his petition for an appeal herein, assign the following errors which he avers occurred upon the trial or hearing of the above-entitled cause, and upon which he will rely, upon appeal to the Circuit Court of Appeals for the Ninth Circuit, to wit:

First: That the Court erred in sustaining the demurrer to, and in denying the petition for a writ of habeas corpus herein.

Second: That the Court erred in holding that it had no jurisdiction to issue a writ of habeas corpus, as prayed for in the petition herein.

Third: That the Court erred in sustaining the demurrer and in denying the petition of habeas corpus herein and remanding the petitioner to the

custody of the immigration authorities for deportation.

Fourth: That the Court erred in holding that the allegations contained in the petition herein for a writ of habeas corpus and the facts presented upon the issue made and joined herein were insufficient in law to justify the discharge of the petitioners from custody as prayed for in said petition. [17]

Fifth: That the judgment made and entered herein is not supported by the evidence.

Sixth: That the judgment made and entered herein is contrary to law.

Seventh: That the judgment made and entered herein is contrary to the evidence.

WHEREFORE, the appellant prays that the judgment and order of the Southern Division of the United States District Court for the Northern District of the State of California, Second Division, made and entered herein in the office of the Clerk of the said court on the 16th day of June, 1925, discharging the order to show cause, sustaining the demurrer and in denying the petition for a writ of habeas corpus, be reversed, and that this cause be remitted to the said lower court with instructions to discharge the said Chun Shee from custody, or grant her a new trial before the lower court, by directing the issuance of a writ of habeas corpus as prayed for in said petition.

Dated at San Francisco, California, June 18th, 1925.

J. H. SAPIRO,
Attorney for Petitioner and Appellants Herein.
[18]

In the Southern Division of the United States
District Court for the Northern District of
California, Second Division.

No. 18,615.

In the Matter of CHUN SHEE, also Known as
CHAN AH HO, on Habeas Corpus.

ORDER ALLOWING PETITION FOR AP-
PEAL.

On this, the 18th day of June, 1925, comes Yee Ah Shung, petitioner, and Chun Shee, the detained, by their Attorney J. H. Sapiro, Esq., and having previously filed herein, did present to this Court, their petitions praying for the allowance of an appeal to the United States Circuit Court of Appeals for the Ninth Circuit, intended to be urged and prosecuted by them and praying also that a transcript of the record and proceedings and papers upon which the judgment herein was rendered, duly authenticated, may be sent to the United States Circuit Court of Appeals for the Ninth Circuit, and that such other and further proceedings may be had in the premises as may seem proper.

ON CONSIDERATION WHEREOF, the Court hereby allows the appeal herein prayed for, and

orders execution and remand stayed pending the hearing of the said case in the United States Circuit Court of Appeals for the Ninth Circuit.

IT IS FURTHER ORDERED that pending the hearing of said case in the United States Circuit Court of Appeals for the Ninth Circuit, that the detained, Chun Shee, may be released from custody upon her furnishing a good and sufficient bond with surety or sureties to be approved in accordance with the statutes in said cases made and provided, and the rules of this court, in the sum of Three [19] Thousand (\$3,000.00) Dollars, and the surety bond she has now given, and upon which she has obtained her liberty, may stand as the bond pending said appeal.

Dated at San Francisco, California, June 18, 1925.

FRANK H. KERRIGAN,
United States District Judge.

[Endorsed]: Service and receipt of copy of the within notice of appeal, etc., is hereby admitted this 20th day of June, 1925.

STERLING CARR,
(F.)

U. S. Atty.

Filed Jun. 20, 1925. Walter B. Maling, Clerk.
By C. M. Taylor, Deputy Clerk. [20]

In the Southern Division of the United States District Court for the Northern District of California, Second Division.

No. 18,615.

In the Matter of CHUN SHEE, also Known as
CHAN AH HO, on Habeas Corpus.

STIPULATION AND ORDER RESPECTING
WITHDRAWAL OF IMMIGRATION RECORDS.

It is hereby stipulated and agreed by and between the attorney for the petitioners and appellants herein and the attorney for the respondent and appellee herein that the original immigration record in evidence and considered as part and parcel of the petition for a writ of habeas corpus upon hearing of the demurrer in the above-entitled matter, may be withdrawn from the files of the Clerk of the above-entitled court and filed with the Clerk of the United States Circuit Court of Appeals in and for the Ninth Circuit, there to be considered as a part and parcel of the record on appeal in the above-entitled case with the same force and effect as if embodied in the transcript of the record, and so certified to by the Clerk of the court.

Dated: San Francisco, California, June 18, 1925.

STERLING CARR,

Attorney for Respondent and Appellee.

J. H. SAPIRO,

Attorney for Petitioner and Appellants. [21]

In the Southern Division of the United States District Court for the Northern District of California, Second Division.

No. 18,615.

In the Matter of CHUN SHEE, also Known as
CHAN AH HO, on Habeas Corpus.

ORDER RE WITHDRAWAL OF IMMIGRATION RECORDS.

Upon reading and filing the foregoing stipulation, it is hereby ordered that the said immigration record therein referred to may be withdrawn from the office of the Clerk of this court and filed in the office of the United States Circuit Court of Appeals for the Ninth Judicial Circuit, said withdrawal to be made at the time the record on appeal herein is certified to by this Court.

Dated: San Francisco, California, June 22d, 1925.

FRANK H. KERRIGAN,
United States District Judge.

[Endorsed]: Filed Jun. 22, 1925. Walter B. Maling, Clerk. By C. M. Taylor, Deputy Clerk.
[22]

CERTIFICATE OF CLERK U. S. DISTRICT
COURT TO TRANSCRIPT ON APPEAL.

I, Walter B. Maling, Clerk of the United States District Court, for the Northern District of Cal-

ifornia, do hereby certify that the foregoing 22 pages, numbered from 1 to 22, inclusive, contain a full, true and correct transcript of the records and proceedings, in the Matter of Chun Shee, etc., on Habeas Corpus, No. 18,615, as the same now remains on file and of record in this office; said transcript having been prepared pursuant to the praeceptum for transcript on appeal.

I further certify that the cost for preparing and certifying the foregoing transcript on appeal is the sum of eight dollars and eighty cents (\$8.80), and that the same has been paid to me by the attorney for appellant herein.

Annexed hereto is the original citation on appeal.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said District Court, this 10th day of July, A. D. 1925.

[Seal]

WALTER B. MALING,
Clerk.

By C. M. Taylor,
Deputy Clerk. [23]

CITATION ON APPEAL.

UNITED STATES OF AMERICA,—ss.

The President of the United States, to the Commissioner of Immigration of the Port of San Francisco, Hon. JOHN D. NAGLE, and to the United States District Attorney for the Northern District of California, Hon. STERLING CARR, GREETING:

You are hereby cited and admonished to be and

appear at a United States Circuit Court of Appeals for the Ninth Circuit, to be holden at the City of San Francisco, in the State of California, within thirty days from the date hereof, pursuant to an order allowing an appeal, of record in the Clerk's office of the United States District Court for the Northern District of California, Second Division, wherein Chun Shee is appellant and you are appellee, to show cause, if any there be, why the decree rendered against the said appellant, as in the said order allowing appeal mentioned, should not be corrected, and why speedy justice should not be done to the parties in that behalf.

WITNESS, the Honorable FRANK H. KERRIGAN, United States District Judge for the Northern District of California, this 23d day of June, A. D. 1925.

FRANK H. KERRIGAN,
United States District Judge.

Receipt of copy admitted June 24, 1925.

STERLING CARR,
(G.)

U. S. Atty.

[Endorsed]: No. 18,615. United States District Court for the Northern District of California, Second Division. Chun Shee, Appellant, vs. John D. Nagle. Citation on Appeal. Filed Jun. 24, 1925. Walter B. Maling, Clerk. By C. W. Calbreath, Deputy Clerk. [24]

[Endorsed]: No. 4636. United States Circuit Court of Appeals for the Ninth Circuit. Chun Shee, Appellant, vs. John D. Nagle, Commissioner of Immigration of the Port of San Francisco, Appellee. Transcript of Record. Upon Appeal from the Southern Division of the United States District Court for the Northern District of California, Second Division.

Filed July 14, 1925.

F. D. MONCKTON,
Clerk of the United States Circuit Court of Appeals
for the Ninth Circuit.

By Paul P. O'Brien,
Deputy Clerk.

